

REMARKS

Claims 1- 10 are pending in the application. Claims 1 and 3 have been amended and claims 8-10 have been added by way of the present amendment. Reconsideration is respectfully requested.

In the outstanding Office Action, claims 1- 2 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,381,387 (Blonder et al.) in view of U.S. Patent No. 5,634,206 (Reed et al.); claims 3 - 4 were rejected under 35 USC 103(a) as being unpatentable over Blonder et al. in view of U.S. Patent No. 6,158,884 (Lebby et al.); claim 5 was rejected under 35 USC 103(a) as being unpatentable over Blonder et al. in view of U.S. Patent No. 6,801,476 (Gilmour); claim 6 was rejected under 35 USC 103(a) as being unpatentable over Blonder et al. in view of Gilmour, as applied to claim 5, and further in view of Reed; and claim 7 was rejected under 35 USC 103(a) as being unpatentable over Blonder et al. in view of Gilmour, as applied to claim 5, and further in view of Lebby et al. Reconsideration is respectfully requested.

35 USC Section 103 Rejections

Claims 1- 2 were rejected under 35 U.S.C. 103(a) as being anticipated by Blonder et al. in view of Reed et al. Applicant respectfully traverses the rejection.

Claim 1 and 3 have been amended to clarify the invention. In particular, independent claim 1 has been amended to recite:

a plurality of antennas that are established in said
equipment body section;
a reception failure detection means for detecting occurrence
of reception failure;
a dial plate touch panel; and
a switch means for switching used antennas to any of said
plurality of antennas every time said reception failure detection
means detects said occurrence of reception failure,

wherein the plurality of antennas established in the equipment body section *are embedded in at least one of top and bottom positions pinching the dial plate and right left positions pinching the dial plate*(emphasis added).

Claim 3 has also been amended with similar language, as further discussed below. Support for the amendments in general is provided at least at **paragraph [0024]** and paragraph **[0030]** of the published application (i.e., U.S. Patent Publication No. US 2005/0020302). Therefore, it is respectfully submitted that the amendments raise no question of new matter.

Blonder et al. discloses a radiotelephone device that includes a case including a transceiver and a multilayer strap that is attached to the case for fastening the device to a user's wrist.¹ In particular, Blonder et al. discloses the case **4** contains a miniaturized transceiver (not shown) designed to provide two-way mobile telephone communications; a means for initiating a telephone call with a keypad or voice recognition device (*not shown*), a display **7** and a power supply such as a battery (*not shown*).² Further, Blonder et al. discloses each layer **12** and **14** of a strap **10** attached to the case **4** contains at least one antenna conductor.³ Furthermore,

However, Blonder et al. nowhere discloses, as recited in independent claim 1:

a dial plate touch panel; and
a switch means for switching used antennas to any of said plurality of antennas every time said reception failure detection means detects said occurrence of reception failure,
wherein the plurality of *antennas established in the equipment body section are embedded in at least one of top and bottom positions pinching the dial plate and right and left positions pinching the dial plate*(emphasis added).

That is, Blonder et al. nowhere discloses a radio telephone that utilizes a “dial plate touch panel,” or “antennas established in the equipment body section in at least one of top and bottom positions pinching the dial plate and right and left positions pinching the dial plate,” as recited in claim 1.

In fact, Blonder et al. teaches away from the claimed invention in that:

¹ Blonder et al. at ABSTRACT.

² *Id.* at FIG. 1; and column 2, lines 37-44.

³ *Id.* at FIG. 7; and column 4, lines 45-47.

- (1) the numerical positions of the “dial plate” are *covered by a lens* and thus, the dial plate cannot act as a “touch panel,” as recited in the claim 1; and
- (2) the antennas **70, 71, 72** of Blonder et al. are located in the wrist band **14** and *not* in the case **4** (emphasis added).

Thus, Blonder et al. clearly does not disclose the limitations of the claimed invention discussed above.

In addition, Blonder et al. discloses antennas positioned on the wristband of the radiotelephone. In particular, in Blonder et al., it is necessary to set apart the first antennas **71** and second antenna **72** by separating the wristband into a top layer **12** and bottom layer **14** so that the antennas are uncoupled from one another.⁴ In contrast, the claimed invention adopts a simpler structure that enables at least two antennas **6-1, 6-2** to be set apart (i.e., “at least one of top and bottom” and “right and left” of the dial plate) in the case **4** to obtain effective reception diversity.

Further, the outstanding Office Action acknowledges other deficiencies in Blonder et al. and attempts to overcome these deficiencies with Reed et al.⁵ However, Reed et al. cannot overcome all of the deficiencies of Blonder et al. with regard to the claimed invention, as discussed below.

Reed et al. discloses a method and apparatus for measuring a characteristic of a fading signal received using a two or more diversity receivers.⁶ In particular, Reed et al. discloses, in switched diversity receivers, an algorithm can be used to switch to an unconnected antenna once performance through a connected antenna falls below some quality threshold.⁷

However, Reed et al. nowhere discloses, as recited in independent claim 1:

a dial plate touch panel; and
a switch means for switching used antennas to any of said plurality of antennas every time said reception failure detection means detects said occurrence of reception failure,
wherein the plurality of *antennas established in the equipment body section are embedded in at least one of top and bottom positions pinching the dial plate and right and left positions pinching the dial plate*(emphasis added).

⁴ *Id.* at FIG. 7, column 4, lines 45-55.

⁵ Outstanding Office Action at page 2, paragraph 2, lines 10-13.

⁶ Reed et al. at ABSTRACT.

⁷ *Id.* at FIG. 3; and column 3, lines 45-50.

That is, Reed et al. nowhere discloses a radio telephone that utilizes a “dial plate touch panel,” or “antennas established in the equipment body section in at least one of top and bottom positions pinching the dial plate and right and left positions pinching the dial plate,” as recited in claim 1. Thus, Reed et al. cannot cure the deficiencies of Blonder et al. discussed above.

Therefore, it is respectfully submitted that neither Blonder et al. nor Reed et al., whether taken alone or in combination, disclose, suggest or make obvious the claimed invention and that claim 1, and claims dependent thereon, patentably distinguish thereover.

Claims 3 - 4 were rejected under 35 USC 103(a) as being unpatentable over Blonder et al. in view of Lebby et al. Reconsideration is respectfully requested.

Claim 3 has been amended to clarify the invention. In particular, claim 3 has been amended to recite:

[a] wristwatch type cellular phone *comprising*: an equipment body section and a wrist band so as to enable said equipment body section to be placed on or pulled out of a wrist, said equipment body section *further comprising*: dialing means that *detects a position operated on a touch panel of a dial plate and transacts* dialing functions; clocking means of a clock; and a connector means for electrically connecting a battery and an electronic circuit within said equipment body section, wherein said wrist band is structured to enable storage of the battery where a part or whole thereof is formed into a pouched shape (emphasis added).

Support for the amendment is provided at least at paragraph [0028] and by original claim 3 of the published version of the application (i.e., U.S. Patent Publication No. US 2005/0020302).

Therefore, the amendment raises not questions of new matter.

At least for the reasons discussed above, Blonder et al. does not disclose the limitations of claim 3. In addition, Blonder et al. nowhere discloses, as claim 3 recites:

said equipment body section *further comprising*: dialing means that *detects a position operated on a touch panel of a dial plate and transacts* dialing functions; clocking means of a clock (emphasis added).

That is, Blonder et al. nowhere discloses “dialing means that *detects a position operated on a touch panel of a dial plate and transacts* dialing functions,” as recited in claim 3 (emphasis added). Thus, Blonder et al. does not disclose the claimed invention.

Further, the outstanding Office Action acknowledges other deficiencies in Blonder et al. and attempts to overcome these deficiencies with Lebby et al.⁸ However, Lebby et al. cannot overcome all of the deficiencies of Blonder et al. with regard to the claimed invention, as discussed below.

Lebby et al. discloses a portable electronic device adapted to be worn on a user's wrist with an electronic unit including a transceiver for receiving and transmitting messages and a watch included within the electronic unit having movements for displaying a time of day.⁹ In particular, Lebby et al. discloses a power source **20** as including a lithium ion type foil/flexible energy cell integrated with a wrist band **26**.¹⁰

However, Lebby et al. nowhere discloses, as claim 3 recites:

said equipment body section *further comprising:*
dialing means that *detects a position operated on a touch panel of a dial plate and transacts* dialing functions;
clocking means of a clock (emphasis added).

That is, Lebby et al. nowhere discloses “dialing means that *detects a position operated on a touch panel of a dial plate and transacts* dialing functions,” as recited in claim 3.

In addition, Lebby et al. nowhere discloses equipping the watch with a “charging jack,” as recited in claim 4. Thus, Lebby et al. cannot cure all of the deficiencies of Blonder et al. discussed above.

Therefore, it is respectfully submitted that neither Blonder et al. nor Lebby et al., whether taken alone or in combination, disclose, suggest or make obvious the claimed invention and that claim 3, and claims dependent thereon, patentably distinguish thereover.

Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Blonder et al. in view of Gilmour. Reconsideration is respectfully requested.

⁸ Outstanding Office Action at page 2, paragraph 2, lines 10-13.

⁹ Lebby et al. at ABSTRACT.

¹⁰ *Id.* at FIG. 1A, column 4, lines 5-9.

At least for the reasons discussed above, Blonder et al. does not disclose the claimed invention. In addition, the outstanding Office Action acknowledges the deficiencies of Blonder et al. and attempts to combine Gilmour with Blonder et al. to overcome these deficiencies. However, Gilmour cannot overcome all of the deficiencies of Blonder et al., as discussed below.

Gilmour discloses a wrist-worn phone which includes a main housing with a front surface and a rear surface, the rear surface including speaker holes, the front surface having a face or display.¹¹ In particular, Gilmour discloses a telephone dialing keypad **47** that includes a group of alphanumeric data characters **70** located on buttons **72** spaced from one another substantially about the periphery **74** of the face **76**, or display **43**, for data selection.¹²

However, Gilmour nowhere discloses as claim 5 recites:

an electronic dial plate *displaying the numbers of 1:00 through 12:00 of the clock at each apex location where the circumference is divided by 12*, and which is structured by a touch panel *where the numbers of 1:00 through 10:00 at least are allocated to a numeric keypad*; and said dialing means for detecting an operational location on said touch panel and transacting said dialing functions according to such detected operational location (emphasis added).

That is, Gilmour nowhere discloses “displaying the numbers of 1:00 through 12:00 of the clock at each apex location where the circumference is divided by 12,” as recited in claim 5. That is, with the numbers evenly distributed about the face (e.g., see FIG. 2, reference 3 of U.S. Patent Application Publication US 2005/0020302).

In addition, Gilmour nowhere discloses “the numbers of 1:00 through 10:00 at least are allocated to a numeric keypad,” as recited in claim 5. In contrast to the claimed invention, Gilmour discloses numbers 1-5; and 6-9 and 0 in two separate groups located around the periphery of the display and not “the numbers 1:00 through 10:00” evenly distributed “at each apex location where the circumference is divided by 12,” as recited in claim 5 (e.g., see FIG. 2, reference 3 of U.S. Patent Application Publication US 2005/0020302). Thus, Gilmour cannot overcome all of the deficiencies of Blonder et al. and does not disclose the claimed invention.

¹¹ Gilmour at ABSTRACT.

¹² *Id.* at FIG. 5, column 5, lines 18-25.

In addition, Gilmour discloses alphanumeric data characters **70** that are on buttons **72** that are spaced about the *periphery 74* of the watch face **76** (i.e., the dial plate of the claimed invention) and not on the “dial plate” that is “structured as a touch panel,” as recited in the claimed invention. Thus, Gilmour does not disclose these limitations of the claimed invention.

Therefore, it is respectfully submitted that neither Blonder et al. nor Gilmour, whether taken alone or in combination, disclose, suggest or make obvious the claimed invention and that claim 5, and claims dependent thereon, patentably distinguish thereover.

Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Blonder et al. in view of Gilmour, as applied to claim 5, and further in view of Reed et al. Reconsideration is respectfully requested.

Claim 6 is dependent upon claim 5. In particular, neither Blonder et al. nor Gilmour disclose, as claim 5 recites:

an electronic dial plate *displaying the numbers of 1:00 through 12:00 of the clock at each apex location where the circumference is divided by 12*, and which is structured by a touch panel *where the numbers of 1:00 through 10:00 at least are allocated to a numeric keypad*; and said dialing means for detecting an operational location on said touch panel and transacting said dialing functions according to such detected operational location (emphasis added).

Thus, at least for the reasons discussed above, Blonder et al. in view of Gilmour also does not disclose the limitations of claim 6.

In an attempt to cure the deficiencies of Blonder et al. in view of Gilmour with regards to claim 6, the outstanding Office Action attempts to combine Reed et al. with Blonder et al. and Gilmour. However, Reed et al. cannot overcome all of the deficiencies of Blonder et al. in view of Gilmour, as discussed below.

In particular, Reed et al. nowhere discloses, as claim 6 recites:

an electronic dial plate *displaying the numbers of 1:00 through 12:00 of the clock at each apex location where the circumference is divided by 12*, and which is structured by a touch panel *where the numbers of 1:00 through 10:00 at least are allocated to a numeric keypad*; and said dialing means for detecting an operational location on said touch panel and

transacting said dialing functions according to such detected operational location (emphasis added).

Thus, at least for the reasons discussed above, Reed et al cannot overcome the deficiencies of Blonder et al. and Gilmour with regards to claim 6.

Therefore, it is respectfully submitted that none of Blonder et al., Gilmour nor Reed et al. whether taken alone or in combination, disclose, suggest or make obvious the claimed invention and that claim 6, and claims dependent thereon, patentably distinguish thereover.

Claim 7 was rejected under 35 USC 103(a) as being unpatentable over Blonder et al. in view of Gilmour, as applied to claim 5, and further in view of Lebby et al. Reconsideration is respectfully requested.

Claim 7 is dependent upon claim 5. As discussed above in the response to the rejection for claim 6, Blonder et al. in view of Gilmour do not disclose claim 5. Thus, at least for the reasons discussed above, , Blonder et al. in view of Gilmour also does not disclose claim 7.

In an attempt to cure the deficiencies of Blonder et al. in view of Gilmour with regards to claim 7, the outstanding Office Action attempts to combine Lebby et al. with Blonder et al. and Gilmour. However, Lebby et al. cannot overcome all of the deficiencies of Blonder et al. in view of Gilmour, as discussed below. In particular, Lebby et al. nowhere discloses, as claim 7 recites:

an electronic dial plate displaying the numbers of 1:00 through 12:00 of the clock at each apex location where the circumference is divided by 12, and which is structured by a touch panel where the numbers of 1:00 through 10:00 at least are allocated to a numeric keypad; and said dialing means for detecting an operational location on said touch panel and transacting said dialing functions according to such detected operational location (emphasis added).

Thus, at least for the reasons discussed above for claims 5 and 6, Lebby et al also cannot overcome the deficiencies of Blonder et al. and Gilmour with regards to claim 7. Therefore, it is respectfully submitted that none of Blonder et al., Gilmour nor Lebby et al. whether taken alone or in combination, disclose, suggest or make obvious the claimed invention and that claim 7, and claims dependent thereon, patentably distinguish thereover.

New Claims

Claims 8-10 have been added to further clarify the invention. Support for claims 8-10 is provided by at least at paragraph [0025] of the published application. Thus, the new claims raise no question of new matter. It is respectfully submitted that none of the applied art discussed above disclose the limitations of new claims 8-10.

Conclusion

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 22-0815, under Order No. 22040-00033-US from which the undersigned is authorized to draw.

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Respectfully submitted,

By_/Myron K. Wyche/____
Myron K. Wyche, Reg. No. 47,341
CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800
Washington, DC 20036-3425
(202) 331-7111
(202) 293-6229 (Fax)
Agent for Applicant